

DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-31, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 11, and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 11, and 21 recite the terms "discovering" and "discovered". The act of "discovering" something is an abstract idea, therefore, the claimed invention is directed to a judicial exception to 35 U.S.C. 101 and is not directed to a practical application of such judicial exception because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 10-18, 20-28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (6,067,525).

As per claim 1, Johnson et al. discloses "A method for sales process configuration, the method comprising:

responsive to an opportunity to create a sales process, determining at least one context associated with said opportunity" (col. 2, line 38-34; via determine the context in which the recognized event of the sales process occurs);

"discovering at least one step for creating said sales process" (col. 19, line 10; via identifying key steps, deliverables, schedules, goals, and events for developing a sales solution);

"discovering at least one sales activity associated with said at least one step for creating said sales process" (col. 6, line 34-48 discloses an automatic to do list that is automatically generated, where the to-do list represents actions or sales activities that will need to be carried out as a result of an event and the event represents a step in creating a sales process);

"and combining said discovered at least one step and said discovered at least one sales activity to create said sales process" (col. 6, line 60-63 discloses that key sales events are recognized by the system, and the sales management component automatically implements management tasks on the basis of these events, where the tasks are the sales activities).

Claims 11, and 21 recite equivalent limitations to claim 1 and are therefore rejected using the same art and rationale as set forth above.

As per claim 2, Johnson et al. discloses "selecting at least one rule which is utilized to create said sales process" (col. 15, line 32-40; via provides the ability to apply business rules desired by the company, where the desired business rules are construed to be selected business rules).

Claims 12, and 22 recite equivalent limitations to claim 2 and are therefore rejected using the same art and rationale as set forth above.

As per claim 3, Johnson et al. discloses "processing sales process information for said opportunity based on at least one of a seller entity level, a business unit entity level and a corporation entity level based on said selected at least one rule" (col. 34, line 46-50; via a salesperson can use the system to facilitate a sale by automatically identifying events that suggest further action and by suggesting a best course of action based on the rules, where the salesperson represents the seller entity level and the facilitation of the sale is performed by processing sales process information examined by the rules) .

Claims 13, and 23 recite equivalent limitations to claim 3 and are therefore rejected using the same art and rationale as set forth above.

As per claim 4, Johnson et al. discloses "discovering said at least one step is done dynamically" (col. 33, line 43-46; via the expert system may then dynamically alter the rules in the event manager database to automatically initiate the identified events or actions in similar subsequent sales activity, where the identified events are construed to be steps and the dynamically altered rules automatically initiates events, thereby, making the initiation of events dynamic as well).

Claims 14, and 24 recite equivalent limitations to claim 4 and are therefore rejected using the same art and rationale as set forth above.

As per claim 5, Johnson et al. discloses "discovering said at least one activity is done dynamically" (col. 33, line 43-46; via the expert system may then dynamically alter the rules in the event manager database to automatically initiate the identified events or actions in similar subsequent sales activity, where the dynamically altered rules automatically initiates events, actions and activities, thereby, making the initiation of events, actions and activities dynamic as well).

Claims 15, and 25 recite equivalent limitations to claim 1 and are therefore rejected using the same art and rationale as set forth above.

As per claim 6, Johnson et al. discloses "at least one context comprises at least one of offer, vertical, customer, channel and geography" (col. 15, line 17-28; this section discusses the finance module of the system which assists a salesperson in calculating and presenting finance and lease alternatives to customers, where the finance context represents a vertical context).

Claims 16, and 26 recite equivalent limitations to claim 6 and are therefore rejected using the same art and rationale as set forth above.

As per claim 7, Johnson et al. discloses "combining a plurality of said at least one of offer, vertical, customer, channel and geography for said opportunity" (col. 34, line 4-13 discloses a sales incentive program that may be offered based on combined geographic, customer, and product offering data).

Claims 17, and 27 recite equivalent limitations to claim 7 and are therefore rejected using the same art and rationale as set forth above.

As per claim 8, Johnson et al. discloses "receiving at least one input comprising at least one of offer, vertical, customer, channel and geography" (col. 5, line 24-30; via receives necessary information including pricing and financing data, where financing data represents vertical data).

Claims 18, and 28 recite equivalent limitations to claim 8 and are therefore rejected using the same art and rationale as set forth above.

As per claim 10, Johnson et al. discloses "generating at least one rule which is utilized to create said sales process" (col. 34, lines 44-50; via generating rules based on knowledge and experience used to facilitate a sale, where facilitating a sale is construed to mean creating a sales process).

Claims 20 and 30 recite equivalent limitations to claim 10 and are therefore rejected using the same art and rationale as set forth above.

As per claim 31, Johnson et al. discloses "said sales process configurator comprises at least one of a database server, a sales process server, a sales process rules engine, a sales process discoverer and a sales process modeler" (col. 7, line 62-col. 8, line 2 discloses a server-based back office system that is used to facilitate the overall sales process).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as applied to claim 1, 11, and 21 above and further in view of Calhoun (2001).

As per claim 9, Johnson et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "generating a confidence score for said created sales process". Calhoun discloses property valuation methods having confidence scores (pg. 18, col., ¶ 2 discloses that valuations are statistically based and confidence scores are provided along with the estimated valuations, where the valuation methods are construed to be a type of sales process).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the integrated computerized sales force automation system of Johnson et al. to include the confidence score as taught by Calhoun since a confidence score associated with a created sales process will determine the usefulness of the sales process created by the automated system.

Claims 19 and 29 recite equivalent limitations to claim 9 and are therefore rejected using the same art and rationale as set forth above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burk et al. (2003/0097317) discloses a system, method and computer program product for auditing in a supply chain network. Bhaskaran et al. (2002/0194039) discloses a method and framework for model specification, consistency checking and coordination of business processes. Hack et al. (2003/0187675) discloses a business process valuation tool. Magers et al. (2003/0018490) discloses a method for planning and implementing supply chains. Pericle (2003/0217016) discloses a pricing model system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571)270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4127

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDC

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4127